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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,775	03/10/2004	Maureen R. Putt	998-928	4153

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,775

Applicant(s)

PUTT ET AL.

Examiner

Patricia L. Engle

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "substantially less" in claims 1, 9, 18, 23 and 36-39 is a relative term which renders the claim indefinite. The term "substantially less" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. What is substantially less? Do it half to be half the width and length to be substantially less, or does it only have to be ½ an inch?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 6, 29, 32, 34, 36 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazama (JP 61-249850).

Regarding claims 1 and 36, Kazama discloses a vehicle floor mat (33), comprising: a pliable layer (28) configured to overlie an area of a vehicle floor (Fig. 1); and a rigid member (21) attached to a portion of the pliable layer (28), wherein the rigid member (21) has a width substantially less than a width and length of the pliable layer (Fig. 2), but sufficient to span a recessed portion (Fig. 1) in the vehicle floor area such that the pliable layer (28) is rendered substantially non-pliable above the recessed portion, and such that the floor mat (33) is self supporting and can independently support a load placed thereon above the recessed portion, without any external support from within the recessed portion.

Regarding claim 4, Kazama discloses the vehicle floor mat of Claim 1, wherein the pliable layer (28) comprises material selected from the group consisting natural and synthetic polymers (carpeting is inherently a natural or synthetic polymer).

Regarding claim 6, Kazama discloses the vehicle floor mat of Claim 1, wherein the pliable layer (28) has opposite first and second surfaces, and wherein carpeting (28) is disposed on the pliable layer first surface (carpeting contains a flexible sheet to which the carpet fibers are attached).

Regarding claims 29 and 39, Kazama discloses a vehicle floor mat (33), comprising: a pliable layer (28) configured to overlie an area of a vehicle floor (Fig. 1); and a plurality of adjacent, spaced-apart rigid members (21a,21b) attached to the pliable layer (28), wherein each rigid member (21a,21b) has a width substantially less than a width and length of the pliable layer, but sufficient to span a recessed portion (Fig. 1) in the vehicle floor area such that the pliable layer (28) is rendered substantially non-pliable above the recessed portion, and such that the floor mat can support a load placed thereon above the recessed portion.

Art Unit: 3612

Regarding claim 30, Kazama discloses the vehicle floor mat of Claim 29, wherein the rigid member (36,38,40) is at least partially disposed within the pliable layer (42,44, column 2, line58-59).

Regarding claim 31, Kazama discloses the vehicle floor mat of Claim 29, wherein each rigid member (36,38,40) comprises material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 3, line 27 and column 2, lines 52-53), and metal.

Regarding claim 32, Kazama discloses the vehicle floor mat of Claim 29, wherein each pliable layer (28) comprises material selected from the group consisting of natural and synthetic polymers (carpeting is inherently a natural or synthetic polymer).

Regarding claim 34, Kazama discloses the vehicle floor mat of Claim 29, wherein the pliable layer (21) has opposite first and second surfaces, and wherein carpeting (carpeting contains a flexible sheet to which the carpet fibers are attached) is disposed on the pliable layer first surface.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

Art Unit: 3612

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 5, 7-9, 12-17, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazama in view of Schneider et al.

Regarding claims 5, 13 and 33, Kazama does not disclose specifically disclose that the pliable layer includes rubber. It would have been obvious to one of ordinary skill in the art at the time of the invention to include rubber in the pliable layer. The motivation would have been to provide cushioning to the floor mat to protect the floor of the vehicle and the items being placed on the floor mat from damage.

Regarding claims 7, 15, 35, Kazama does not disclose that the rigid member comprises a plurality of spaced-apart apertures formed therethrough. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of spaced-apart apertures formed in the rigid members. The motivation would have been to reduce the weight of the floor mat which in turn would reduce the weight of the vehicle and would therefore increase the fuel efficiency of the vehicle.

Regarding claim 8, Kazama discloses the vehicle floor mat of Claim 1. Kazama does not disclose that the pliable layer is comprised of a first and second pliable layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the pliable layer

Art Unit: 3612

out of a plurality of pliable layers as it would merely involve the alternate utilization of an equivalent living hinge means to achieve the same exact function.

Regarding claim 9, Kazama as modified discloses the vehicle floor mat wherein a second rigid member (21a) is attached to the second pliable layer, and wherein the second rigid member (21a) has a width configured to span a second recessed portion in the vehicle floor area such that the floor mat (33) can support a load placed thereon above the second recessed portion.

Regarding claim 12, Kazama as modified discloses the vehicle floor mat wherein the second pliable layer (above 21a) comprises material selected from the group consisting of natural and synthetic polymers (carpeting is inherently a natural or synthetic polymer).

Regarding claim 14, Kazama as modified discloses the vehicle floor mat of Claim 8, wherein the second pliable layer (above 21a) has opposite first and second surfaces, and wherein carpeting (28) is disposed on the second flexible member first surface (Fig. 1).

Regarding claim 16, Kazama as modified discloses the vehicle floor wherein the second pliable layer (above 21a) is pivotally secured to the peripheral edge via a hinge (similar to hinge between 28a and 28b).

Regarding claims 17, Kazama as modified discloses the vehicle floor mat of, wherein the hinge comprises carpeting (Fig. 1) disposed on the first and second pliable layers.

9. Claims 2, 3, 10, 11, 18-22, 23-28, 30, 31, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazama in view of Schneder et al.

Kazama discloses the vehicle floor mat of claims 1, 4, 6, 8, 9, 29, 32, 34, 36 and 39.

Kazama does not disclose that the rigid member is at least partially disposed within the pliable layer or that the material of the pliable layer.

Art Unit: 3612

Schneider et al. disclose the vehicle floor mat, wherein the rigid member (36,38,40) is at least partially disposed within the pliable layer (42,44, column 2, line58-59) (claims 2, 10, 18, 23, 30, 37 and 38). Regarding claims 3, 11, 19, 24 and 31, Schneider et al. disclose the vehicle floor mat, wherein the first and second rigid members comprise material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 2, lines 53-55), and metal.

Schneider et al. and Kazama are analogous art because they are from the same field of endeavor, i.e., vehicle floor mats.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to at least partially dispose the rigid layer within the pliable layer and to use a wood for the rigid layer.

The motivation would have been to prevent the pliable layer from slipping away from the rigid layer when a load is placed thereon and to provide sufficient rigidity for the floor mat.

Therefore, it would have been obvious to combine Schneider et al. with Kazama to obtain the invention as specified in claims 2, 3, 10, 11, 18, 23, 24, 30, 31, 37 and 38.

Regarding claims 19-22 and 25-28, Kazama discloses the limitations of the these claims as described above.

Response to Arguments

10. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

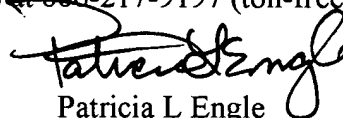
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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October 7, 2005